

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

NICHOLAS STOLINAS,

Plaintiff,

v.

Case No.: 2:18-cv-702-FtM-38MRM

WALTER PALMER,

Defendant.

ORDER¹

Before the Court are several discovery motions and responses in opposition. On November 10, 2020, the Court heard oral argument on the motions and issued oral rulings, and this Order memorializes the Court's decisions.

For the reasons stated on the record, it is now

ORDERED:

(1) Defendant Walter Palmer's Motion to Strike Expert Richard Saitta

([Doc. 57](#)) is **GRANTED**.

¹ Disclaimer: Documents hyperlinked to CM/ECF are subject to PACER fees. By using hyperlinks, the Court does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide, nor does it have any agreements with them. The Court is also not responsible for a hyperlink's availability and functionality, and a failed hyperlink does not affect this Order.

(2) Plaintiff Nicholas Stolas' Motion to Compel Production of the GPS Device and Records ([Doc. 60](#)) is **DENIED as moot**.

(3) Stolas' Motion for Spoliation, Adverse Inference, and/or to Strike Defendant's Pleadings pursuant to Fed. R. Civ. P. 37(e) ([Doc. 63](#)) is **DENIED**.

(4) Stolas' Motion to Compel Palmer's phone records ([Doc. 62](#)) is **GRANTED** in part.

a. Palmer must produce his phone records showing communications with Andrew Derwin and Rose Marina between June 1, 2016 and July 31, 2016.

b. The parties must email a proposed order in Microsoft Word format compelling Verizon Wireless, Inc. to produce the records to the Chambers' [inbox](#) on or before **November 17, 2020**.

(5) Palmer's Motion to Compel Communications and Social Media Posts regarding the accident and Stolas' Computation of Damages ([Doc. 61](#)) is **GRANTED** in part.


a. If Stolas sent any text messages or emails to Derwin and Virginia Hackman about the accident, they must be produced.

b. If Stolas sent any other text messages or emails regarding the accident, they must be produced.

- c. If Stolinas made any social media posts regarding the accident, they must be produced.
- d. Stolinas must produce documents showing his computation of damages.
- e. Stolinas must provide the above information to Palmer on or before **November 17, 2020**.

(6) Palmer's Emergency Motion to Strike ([Doc. 87](#)) is **GRANTED** in part and **DENIED** in part. The motion to strike Christine Bastian's affidavit is denied, but the motion is granted as to Palmer's 2008 sentencing transcript.

DONE and **ORDERED** in Fort Myers, Florida on November 12, 2020.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record